

Roshka DeWulf & Patten

ROSHKA DEWULF & PATTEN, PLC
ATTORNEYS AT LAW
ONE ARIZONA CENTER
400 EAST VAN BUREN STREET
SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800



0000157802

RECEIVED

2014 NOV -5 P 3:30

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

ORIGINAL

November 5, 2014

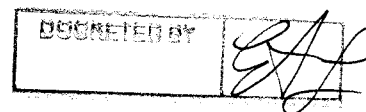
Arizona Corporation Commission

DOCKETED

NOV 05 2014

Emailed and Mailed

Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007



RE: GC Pivotal, LLC's Responses to Staff's Second Set of Data Requests
Docket No. T-20787A-14-0367

Docket Control:

Enclosed are GC Pivotal's responses to Staff's Second Set of Data Requests in the above docket.

Please let me know if you have any questions.

Sincerely,

Michael W. Patten

MWP:jh

Enclosure – Original and 13 Copies

cc: Matt Connolly

**STAFF'S SECOND SET OF DATA REQUESTS FOR
GC PIVOTAL, LLC (GC PIVOTAL)
DOCKET NO. T-20787A-14-0367
NOVEMBER 5, 2014**

STF 2.1 In regards to the consolidated financials submitted by GC Pivotal, what percentage of the financial data can be attributed to the subsidiary?

RESPONSE: Less than one percent (1%).

RESPONDENT: Jeremy Kissel, General Counsel

**STAFF'S SECOND SET OF DATA REQUESTS FOR
GC PIVOTAL, LLC (GC PIVOTAL)
DOCKET NO. T-20787A-14-0367
NOVEMBER 5, 2014**

STF 2.2 In follow-up to the response to Staff's DR 1.6, what function(s) will the four employees be performing in Arizona?

RESPONSE: The four employees will be providing field technician services.

RESPONDENT: Jeremy Kissel, General Counsel

**STAFF'S SECOND SET OF DATA REQUESTS FOR
GC PIVOTAL, LLC (GC PIVOTAL)
DOCKET NO. T-20787A-14-0367
NOVEMBER 5, 2014**

STF 2.3

In follow-up to the response to Staff's DR 1.8, as the company is providing a toll free number for customer support, please explain why the company will not or cannot provide a toll free number for customers to call regarding complaints. Please also clarify the information in this response when compared against the contact information in GC Pivotal's Arizona Tariff No. 1, Page 9. If the tariff page needs updating, please provide a proposed updated Page 9.

RESPONSE:

Global Capacity will create a toll free number for customers to call regarding complaints.

RESPONDENT:

Jeremy Kissel, General Counsel

**STAFF'S SECOND SET OF DATA REQUESTS FOR
GC PIVOTAL, LLC (GC PIVOTAL)
DOCKET NO. T-20787A-14-0367
NOVEMBER 5, 2014**

STF 2.4 In follow-up to the response to Staff's DR 1.12, please clarify for Staff where Pivotal Group fits into the diagram provided.

RESPONSE: Please see the description set forth in the second paragraph of the October 16, 2014 FCC Public Notice (Attachment STF 2.4).

RESPONDENT: Jeremy Kissel, General Counsel

Attachment-STF 2.4



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 14-1496

Released: October 16, 2014

**DOMESTIC SECTION 214 APPLICATION FILED FOR
THE ACQUISITION OF CERTAIN ASSETS OF MEGAPATH CORPORATION
BY GC PIVOTAL, LLC D/B/A GLOBAL CAPACITY**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 14-173

Comments Due: October 30, 2014

Reply Comments Due: November 6, 2014

On October 2, 2014, MegaPath Corporation (MegaPath) and GC Pivotal, LLC d/b/a Global Capacity (Global Capacity) (together, Applicants) filed an application pursuant to section 63.03 of the Commission's rules to transfer certain assets from MegaPath to Global Capacity.¹

MegaPath, a Virginia corporation, offers competitive telecommunications services and other services to business customers in multiple states. Global Capacity, a Delaware limited liability company, provides competitive telecommunications services in multiple states. Applicants state that Pivotal Global Capacity, LLC, an Arizona limited liability company, does not provide telecommunications services and owns 100 percent of Global Capacity. Applicants further state that FFN Investments, LLC (FFN), an Arizona limited liability company, owns 100 percent of Pivotal Global Capacity, LLC. They state that the Najafi 2006 Irrevocable Trust owns 60 percent of FFN, and the F. Francis Najafi Family Trust owns 40 percent of Global Capacity as a 30 percent direct owner of FFN and a 10 percent indirect owner of FFN through Pivotal Capital Corporation. Pivotal Capital Corporation owns 10 percent of FFN and is wholly owned by the F. Francis Najafi Family Trust. Applicants state that all entities are U.S.-based and that no other individual or entity holds a 10 percent or greater direct or indirect ownership interest in Global Capacity.

Pursuant to the terms of the proposed transaction, Global Capacity will acquire assets from MegaPath, including customer accounts and equipment. Applicants state that MegaPath does not intend to transfer its certifications and other authority to provide telecommunications services to Global Capacity; nor will it undergo a transfer of control as a result of the proposed transaction. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section

¹ 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants are also filing applications for transfer of control associated with authorization for international services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

63.03(b)(2)(i) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.²

Domestic Section 214 Application Filed for the Acquisition of Certain Assets of
MegaPath Corporation by GC Pivotal, LLC d/b/a Global Capacity, WC Docket No. 14-
173 (filed Oct. 2, 2014).

GENERAL INFORMATION

The transfer of assets identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 CFR § 63.03(a), interested parties may file comments **on or before October 30, 2014**, and reply comments **on or before November 6, 2014**. Pursuant to section 63.52 of the Commission's rules, 47 C.F.R. § 63.52, commenters must serve a copy of comments on the Applicants no later than the above comment filing date. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.

Pursuant to section 63.03 of the Commission's rules, 47 CFR § 63.03, parties to this proceeding should file any documents in this proceeding using the Commission's Electronic Comment Filing System (ECFS): <http://fjallfoss.fcc.gov/ecfs2/>.

In addition, e-mail one copy of each pleading to each of the following:

- 1) Myrva Freeman, Competition Policy Division, Wireline Competition Bureau,
myrva.freeman@fcc.gov;
- 2) David Krech, Policy Division, International Bureau, david.krech@fcc.gov;
- 3) Jodie May, Competition Policy Division, Wireline Competition Bureau, jodie.may@fcc.gov;
- 4) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

The proceeding in this Notice shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's ex parte rules. Persons making ex parte presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral ex parte presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the ex parte presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant

² 47 C.F.R. § 63.03(b)(2)(i).

page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during ex parte meetings are deemed to be written ex parte presentations and must be filed consistent with rule 1.1206(b), 47 C.F.R. § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission's ex parte rules.

For further information, please contact Myrva Freeman at (202) 418-1506 or Jodie May at 202-418-0913.

- FCC -

**STAFF'S SECOND SET OF DATA REQUESTS FOR
GC PIVOTAL, LLC (GC PIVOTAL)
DOCKET NO. T-20787A-14-0367
NOVEMBER 5, 2014**

STF 2.5

For each of the jurisdictions provided in the response to (A-18) of the Application in which GC Pivotal currently holds authority or is registered, please indicate what "form" of telecommunications service (ex. competitive local exchange).

RESPONSE:

See Attachment STF 2.5.

RESPONDENT:

Jeremy Kissel, General Counsel

Attachment-STF 2.5

GC Pivotal, LLC
Response to STF 2.5

Jurisdiction	Type of Authority Currently Authorized	Classification/Services Covered by Certification
Alabama	Resold Private Line, Local Exchange	CLEC (Local, Private Line)
Arkansas	Resold Local and Interexchange	CLEC and IXC (Local, and Long Distance)
California	Resold Local Exchange and Interexchange	CLEC and IXC (Local and Long Distance)
Connecticut	Resold Inter and IntraExchange - Reseller of Data Circuits	IXC (Long Distance)
Delaware	Resold Local Exchange and Interexchange	CLEC and IXC (Local and Long Distance)
District of Columbia	Resold Local Exchange	CLEC (Local)

GC Pivotal, LLC
Response to STF 2.5

Florida	N/A	IXC (Long Distance) Pursuant to deregulation
Georgia	Resold Local Exchange and Interexchange	CLEC and IXC (Local and Long Distance)
Hawaii	Resold Local Exchange and Interexchange	CLEC and IXC (Local, and Long Distance)
Idaho	N/A	Data Only Provider
Illinois	Resold Local Exchange and Interexchange	CLEC and IXC (Local and Long Distance)
Indiana	Resold and Facilities-Based Local Exchange, and Interexchange	CLEC and IXC (Local, Long Distance, Access)
Iowa	Resold Interexchange	IXC (Long Distance)
Kansas	Local Exchange, Interexchange, Exchange Access	CLEC and IXC (Local, Long Distance and Access)

GC Pivotal, LLC
Response to STF 2.5

Kentucky	Local Exchange and Interexchange (May provide service via resale and facilities-based)	CLEC and IXC (Local, Long Distance)
Louisiana	Competitive Access Provider	CAP (Local and Access)
Maine	Resold Unswitched Dedicated Service, Local Exchange and Interexchange	Other (Data only)
Maryland	Resold Local Exchange and Interexchange	CLEC and IXC (Local, and Long Distance)
Massachusetts	Resold Local Exchange (Data Services)	CLEC (Local)
Michigan	Basic Local Exchange and Interexchange	CLEC and IXC (Local, and Long Distance)
Minnesota	Local Niche Services	CLEC (Local)
Mississippi	Resold and Facilities-Based Local and Interexchange	CLEC and IXC (Local, Long Distance and Access)
Missouri	Local Exchange (Dedicated Private Line) and Interexchange	CLEC and IXC (Local Private Line, Long Distance and Access)

GC Pivotal, LLC
Response to STF 2.5

Montana	Resold Local Exchange and Interexchange	CLEC and IXC (Local, and Long Distance)
Nevada	Resold Data Circuits	UTC - Competitive Supplier (Data Only)
New Hampshire	Local Exchange and Toll Provider	CLEC (Local)
New Mexico	Local Exchange	CLEC (Local)
New York	Local Exchange and Interexchange	CLEC and IXC (Local, Long Distance and Access)
North Carolina	Interexchange Local Exchange and Access	CLEC and IXC (Local, Long Distance and Access)
North Dakota	Registered as Data and Private Line	Other (Private Line, Data)
Ohio	Other	Other (Data Services)
Oklahoma	Resold and Facilities Based Local Exchange and Resold Interexchange	CLEC and IXC (Local, Long Distance and Access)

GC Pivotal, LLC
Response to STF 2.5

Oregon	Resold Local Exchange and Interexchange	CLEC and IXC (Local, and Long Distance)
Pennsylvania	Competitive Access Service Local Exchange and Interexchange*	CAP (Data only) CLEC and IXC (Local, Long Distance and Access)
Rhode Island	Local Exchange	CLEC (Local)
South Carolina	Resold Local Exchange and Interexchange	CLEC and IXC (Local, and Long Distance)
South Dakota	Resold Local Exchange and Resold Interexchange	CLEC and IXC (Local, and Long Distance)
Texas	Resold - Data Only Services	CLEC (Local)
Utah	Resold and Facilities Based Local Exchange	CLEC (Local and Access)
Vermont	Resold Local Exchange and Interexchange	CLEC and IXC (Local, Long Distance)
Virginia	Resold and Facilities-Based Local Exchange and Facilities-Based Interexchange	CLEC and IXC (Local, Long Distance)
West Virginia	Resold and Facilities-Based Local Exchange and Interexchange	CLEC and IXC (Local, Long Distance and Access)

GC Pivotal, LLC
Response to STF 2.5

Wisconsin	Resold and Facilities-Based Local Exchange and Interexchange	ATU-Alternative Telecommunications Utility (Local, Long Distance, Access, Private Line)
Wyoming	Resold Interexchange	IXC (Long Distance)

**STAFF'S SECOND SET OF DATA REQUESTS FOR
GC PIVOTAL, LLC (GC PIVOTAL)
DOCKET NO. T-20787A-14-0367
NOVEMBER 5, 2014**

STF 2.6

For each of the jurisdictions provided in the response to (A-18) of the Application in which GC Pivotal is in the process of filing applications for authority (or expanded authority), please indicate the type of telecommunications service currently held and/or requested (ex. competitive local exchange).

RESPONSE:

See Attachment STF 2.6.

RESPONDENT:

Jeremy Kissel, General Counsel

Attachment-STF 2.6

GC Pivotal, LLC
Response to STF 2.6

Jurisdiction	Type of Authority Sought
Alabama	Local Exchange and Interexchange
Colorado	Local Exchange & Emerging Competitive Telecommunications Services
Florida	Local Exchange and Interexchange
Georgia	Local Exchange and Interexchange

GC Pivotal, LLC
Response to STF 2.6

Idaho	Local Exchange and Interexchange
Nebraska	Local Exchange and Interexchange
New Jersey	Local Exchange and Interexchange
Tennessee	Local Exchange and Interexchange
Washington	Local Exchange and Interexchange
Wyoming	Local Exchange

**STAFF'S SECOND SET OF DATA REQUESTS FOR
GC PIVOTAL, LLC (GC PIVOTAL)
DOCKET NO. T-20787A-14-0367
NOVEMBER 5, 2014**

STF 2.7 How will GC Pivotal handle maintenance and repair for customers in Arizona? Will this included service and repair technicians located in Arizona?

RESPONSE: If the maintenance and repair pertain to customer premise equipment (CPE) owned by Global Capacity, then it will be maintained or repaired using either Global Capacity employees or a subcontractor of Global Capacity.

RESPONDENT: Jeremy Kissel, General Counsel

**STAFF'S SECOND SET OF DATA REQUESTS FOR
GC PIVOTAL, LLC (GC PIVOTAL)
DOCKET NO. T-20787A-14-0367
NOVEMBER 5, 2014**

STF 2.8

How will GC Pivotal handle maintenance and repair for owned or leased network and facility assets in Arizona? Will this included service and repair technicians located in Arizona?

RESPONSE:

If the maintenance and repair pertain to customer premise equipment (CPE) owned by Global Capacity, then it will be maintained or repaired using either Global Capacity employees or a subcontractor of Global Capacity, which may include service and repair technicians located in Arizona. If the maintenance or repair pertains to leased network or facility assets, then Global Capacity will work with service or repair technicians for the owner or operator of such leased network or facilities.

RESPONDENT:

Jeremy Kissel, General Counsel